

House File 2127 - Introduced

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BY WOLFE

A BILL FOR

1 An Act relating to sex offender applications to modify certain
2 sex offender registry requirements.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.128, Code 2014, is amended to read
2 as follows:

3 **692A.128 Modification.**

4 1. A sex offender ~~who is on probation, parole, work release,~~
5 ~~special sentence, or any other type of conditional release~~ may
6 file an application in district court seeking to modify the
7 registration requirements under this chapter.

8 2. An application shall not be granted unless all of the
9 following apply:

10 a. The date of the commencement of the requirement to
11 register occurred at least two years prior to the filing of the
12 application for a tier I offender and five years prior to the
13 filing of the application for a tier II or III offender.

14 b. The sex offender has successfully completed all sex
15 offender treatment programs that have been required.

16 c. A risk assessment has been completed, if the sex offender
17 is under supervision, and the sex offender was classified as
18 a low risk to reoffend. The risk assessment used to assess an
19 offender as a low risk to reoffend shall be a validated risk
20 assessment approved by the department of corrections.

21 d. The sex offender is not incarcerated when the application
22 is filed.

23 ~~e. The director of the judicial district department~~
24 ~~of correctional services supervising the sex offender, or~~
25 ~~the director's designee, stipulates to the modification,~~
26 ~~and a certified copy of the stipulation is attached to the~~
27 ~~application.~~

28 3. The application shall be filed in the sex offender's
29 county of principal residence.

30 4. Notice of any application shall be provided to the
31 county attorney of the county of the sex offender's principal
32 residence, the county attorney of any county in this state
33 where a conviction requiring the sex offender's registration
34 occurred, and the department. The county attorney where the
35 conviction occurred shall notify the victim of an application

1 if the victim's address is known.

2 5. The court may, but is not required to, conduct a hearing
3 on the application to hear any evidence deemed appropriate by
4 the court. The court may modify the registration requirements
5 under this chapter.

6 ~~6. A sex offender may be granted a modification if the
7 offender is required to be on the sex offender registry as a
8 result of an adjudication for a sex offense, the offender is
9 not under the supervision of the juvenile court or a judicial
10 district judicial department of correctional services, and the
11 department of corrections agrees to perform a risk assessment
12 on the sex offender. However, all other provisions of this
13 section not in conflict with this subsection shall apply to the
14 application prior to an application being granted except that
15 the sex offender is not required to obtain a stipulation from
16 the director of a judicial district department of correctional
17 services, or the director's designee.~~

18 7. 6. If the court modifies the registration requirements
19 under this chapter, the court shall send a copy of the order to
20 the department, the sheriff of the county of the sex offender's
21 principal residence, any county attorney notified in subsection
22 4, and the victim, if the victim's address is known.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to modifying the sex offender registry
27 requirements.

28 Under the bill, a sex offender is no longer required to
29 be under supervision of a judicial district department of
30 correctional services when filing an application to modify
31 the sex offender registry requirements. The bill also
32 eliminates the requirement that the director of the judicial
33 district department of correctional services supervising the
34 sex offender, or the director's designee, stipulate to the
35 modification, prior to the filing of such an application.

1 If a sex offender is under supervision at the time of the
2 application to modify the sex offender registry requirements,
3 the bill still requires that the judicial district department
4 of correctional services perform a risk assessment of the
5 offender, and that the sex offender be classified as a low risk
6 to reoffend in order to be eligible to file an application to
7 modify the sex offender registry requirements.

8 The bill does not alter the other requirements related to
9 filing an application to modify the sex offender requirements
10 under Code section 692A.128, such as passage of time since
11 initial registration, successful completion of sex offender
12 treatment, and current release from incarceration.